

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ARY Jewelers, LLC.,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04:-CV-10281 EFH
)	Oral Argument Requested
IBJTC Business Credit Corp. and)	
David Molinario,)	
Defendants.)	

**PLAINTIFF’S OPPOSED MOTION FOR RECONSIDERATION OF ORDER
DENYING MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ARY JEWELERS, LLC, (hereinafter called “Plaintiff”) in the above-styled and captioned matter and files this Motion for Reconsideration of Order Denying Motion to Compel and in support thereof would show the following:

1. In this lawsuit Plaintiff alleges that the Defendant tortiously interfered with its contract and business relationship with a competitor of Defendant.
2. Plaintiff respectfully requests that the Court reconsider its order denying Plaintiff’s Motion to Compel as it relates to Defendant’s policies and procedures manual. Before the fact discovery deadline expired, Plaintiff repeatedly requested the policies and procedure manual. However, Defendant refused to produce it, despite the fact that defense counsel represented that it would be produced. Then, once the discovery period ended on June 15, 2005, defense counsel took the position that the discovery period had expired and therefor his client had no obligation to produce the policies and procedure manual.
3. A key issue in this case is whether or not Defendant’s conduct violated well-

established banking standards. Certainly Defendant's own policies are relevant to this issue.

Thus, Plaintiff respectfully requests that the Court reconsider that aspect of its order denying Plaintiff's previous motion to compel and order that Defendant produce its policies and procedures manual.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Honorable Court set this matter for a hearing and enter an Order that Defendant must produce its policies and procedures manual within ten (10) business days of the date of this hearing. Plaintiff also prays for such other and further relief as this Honorable court believes that Plaintiff is justly entitled to.

Dated October 16, 2006

Respectfully submitted,

THE CARRIGAN LAW FIRM, L.L.P.

By: /s/ Stephen P. Carrigan /s/ by Jill L. Groff
Stephen P. Carrigan (Admitted Pro Hac Vice)
State Bar No. 03877000
Federal I.D. 6112
2 Houston Center
909 Fannin, Suite 1575
Tel. (713) 739-0810
Fax. (361) 739-0821
Attorney-in-Charge for Plaintiff

OF COUNSEL:

Jill L. Groff (Admitted Pro Hac Vice)
The Carrigan Law Firm, L.L.P.
2 Houston Center
909 Fannin, Suite 1575
Houston, Texas 77010
(713)-729-0810 (telephone)
(713) 739-0821 (facsimile)
Of Counsel for Plaintiff

Ashish Mahendru BBO#647661
Mahendru, P.C.
1111 Bagby, Suite 2000
Houston, Texas 77002
(713) 571-1519 (telephone)
(713) 651-0776 (facsimile)
Of Counsel for Plaintiff

CERTIFICATE OF CONFERENCE

This is to certify that the undersigned attorney has conferred with counsel for Defendants and the same is opposed to the relief requested in this Motion.

/s/ Stephen P. Carrigan, /s/ by Jill L. Groff
Stephen P. Carrigan/Jill L. Groff

CERTIFICATE OF SERVICE

I certify that a true and correct copy of Plaintiff's Opposed Motion for Reconsideration of Order Denying Motion to Compel was served to each person listed below by certified mail, return receipt requested, facsimile and/or hand delivery on the 16th day of October, 2006.

Robert S. Fischler
Ropes & Gray, LLP
45 Rockefeller Plaza
New York, New York 10111

Christopher R. Dillon
Kate Cimini
Ropes & Gray, LLP
One International Place
Boston, MA 02110-2624

/s/ Stephen P. Carrigan, /s/ by Jill L. Groff
Stephen P. Carrigan/Jill L. Groff